



General Assembly

Substitute Bill No. 370

February Session, 2008

* SB00370PH 040308 *

AN ACT CONCERNING PESTICIDE APPLICATIONS AT DAY CARE CENTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-79a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) As used in this section, "pesticide" means a fungicide used on
4 plants, an insecticide, a herbicide or a rodenticide but does not mean a
5 sanitizer, disinfectant, antimicrobial agent or a pesticide bait, and
6 "lawn care pesticide" means a pesticide registered by the United States
7 Environmental Protection Agency and labeled pursuant to the federal
8 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
9 ornamental sites or areas.

10 (b) No [application of pesticide may be made] person shall apply
11 pesticide in any building or on the grounds of any child day care
12 center, group day care home or family day care home, each as
13 described in section 19a-77 of the 2008 supplement to the general
14 statutes, [during regular business hours] except that [an emergency
15 application may be made] a pesticide applicator with supervisory
16 certification under section 22a-54 or a pesticide applicator with
17 operational certification under section 22a-54 under the direct
18 supervision of a supervisory pesticide applicator, may make an
19 emergency application to eliminate an immediate threat to human

20 health [if (1) it is necessary to make the application during regular
21 business hours, and (2)] as determined by the local health director or
22 the Commissioner of Public Health, including, but not limited to, for
23 the elimination of mosquitoes, ticks and stinging insects, provided
24 such emergency application does not involve a restricted use pesticide,
25 as defined in section 22a-47. No child enrolled at such center or home
26 may enter an area where pesticides have been applied until it is safe to
27 do so according to the provisions on the pesticide label.

28 [(c) No person shall apply a lawn care pesticide on the grounds of
29 any child day care center or group day care home, as described in
30 section 19a-77, except that an emergency application may be made to
31 eliminate an immediate threat to human health, including, but not
32 limited to, the elimination of mosquitoes, ticks and stinging insects,
33 provided such emergency application does not involve a restricted use
34 pesticide, as defined in section 22a-47.]

35 (c) On and after October 1, 2008, each provider of child day care
36 services, as defined in section 19a-77 of the 2008 supplement to the
37 general statutes, shall provide the parents or guardians of each child
38 enrolled for such services an annual written statement of the provider's
39 policy on pesticide application and a description of any pesticide
40 applications made at the day care center during the previous twelve
41 months. Such statement shall indicate that the parents or guardians
42 may request prior notice of pesticide applications at the day care
43 center. Prior to providing for any application of pesticide within any
44 building or on the grounds of any day care center, the provider shall
45 notify the parents and guardians who have requested prior notice
46 under this subsection by any means practicable no later than twenty-
47 four hours prior to such application. Notice under this subsection shall
48 include (1) the name of the active ingredient of the pesticide being
49 applied, (2) the target pest, (3) the location of the application on the
50 day care center property, and (4) the proposed date of the application.
51 A copy of the record of each pesticide application at a day care center
52 shall be maintained at such center for a period of five years. For the
53 purposes of this subsection, "day care center" means a child day care

54 center, group day care home or family day care home that provides
55 "child day care services" as defined in section 19a-77 of the 2008
56 supplement to the general statutes.

57 Sec. 2. Section 10-231b of the 2008 supplement to the general statutes
58 is repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2008*):

60 (a) No person, other than a pesticide applicator with supervisory
61 certification under section 22a-54 or a pesticide applicator with
62 operational certification under section 22a-54 under the direct
63 supervision of a supervisory pesticide applicator, may apply pesticide
64 within any building or on the grounds of any school, other than a
65 regional vocational agriculture center. This section shall not apply in
66 the case of an emergency application of pesticide to eliminate an
67 immediate threat to human health where it is impractical to obtain the
68 services of any such applicator provided such emergency application
69 does not involve a restricted use pesticide, as defined in section 22a-47.

70 (b) No person shall apply a lawn care pesticide on the grounds of
71 any public or private preschool or public or private school with
72 students in grade eight or lower, except that (1) on and after January 1,
73 2006, until July 1, [2009] 2010, an application of a lawn care pesticide
74 may be made at a public or private school with students in grade eight
75 or lower on the playing fields and playgrounds of such school
76 pursuant to an integrated pest management plan, which plan (A) shall
77 be consistent with the model pest control management plan developed
78 by the Commissioner of Environmental Protection pursuant to section
79 22a-66l of the 2008 supplement to the general statutes, and (B) may be
80 developed by a local or regional board of education for all public
81 schools under its control, and (2) an emergency application of a lawn
82 care pesticide may be made to eliminate a threat to human health, as
83 determined by the local health director, the Commissioner of Public
84 Health, the Commissioner of Environmental Protection or, in the case
85 of a public school, the school superintendent.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2008</i>	19a-79a
Sec. 2	<i>October 1, 2008</i>	10-231b

ENV *Joint Favorable Subst.*

PH *Joint Favorable*